

DE 87-12 - September 16, 1987

Resign-to-Run

Sections 99.012, 99.012(2), (3), 106.021(1)(A), 106.07; Chapter 106, F.S.

To: Mr. Thomas E. Walker, 470 Shady Lane, Bartow, Florida 33830

Prepared by: Division of Elections

This is in response to your letter requesting an advisory opinion from the Division of Elections regarding your responsibilities as a candidate for county commissioner while holding the office of city commissioner and seeking re-election as city commissioner.

As a city commissioner, you plan to run for re-election in 1988, and also plan to run for county commissioner 1990. Our opinion will address the following:

1. When may you begin accepting contributions for your race as county commissioner, and, what reporting requirements will you have?
2. When will you need to resign from your city commissioner term, if re-elected, to run for county commission?

As to question one:

There are no restrictions on when you may begin accepting contributions. However, prior to accepting any contributions you must comply with the requirements set forth in Chapter 106, Florida Statutes, Campaign Financing Act, and open a campaign depository and appoint a campaign treasurer. S. 106.021(1)(a), Fla. Stat. In addition, once you have opened a campaign depository and appointed a campaign treasurer, you must comply with the reporting requirements of Section 106.07, Florida Statutes.

As to question two:

The Resign-to-Run Law, Section 99.012, Florida Statutes, provides that no one may qualify as a candidate for public office who holds another elected or appointed office if the terms of the offices or any part thereof are concurrent. S. 99.012(2), Fla. Stat. An incumbent office-holder who is running for another office and the term of that office or any part thereof is concurrent with his present office, must resign from his present office at least ten (10) days prior to the first day of qualifying for the office he intends to seek. S. 99.012(2), Fla. Stat. The resignation must be effective not later than the date he would assume office, and is irrevocable. S. 99.012(2), (3), Fla. Stat.

SUMMARY

There are no restrictions on when you may begin accepting contributions, but prior to accepting any contributions, you must open a campaign depository and appoint a campaign treasurer. When you have opened a campaign depository and appointed a treasurer you must comply with the reporting requirements of Section 106.07, Florida Statutes.

An incumbent office-holder who is running for another office and the terms of the offices or any part thereof are concurrent, must resign from his present office at least ten (10) days prior to the first day of qualifying for the office he intends to seek and his resignation must be irrevocable.